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7 VELOCITY EXPRESS LEASING, INC. AND

8 VELOCITY EXPRESS, INC.

9 [ADDITIONAL COUNSEL LISTED ON PAGE FOLLOWING CAPTION]

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)

12 PHILIP JONES and KIM KEO,
individually, and on behalf of all others
13 similarly situated and the California
general public; and DOES 1 through
14 1000, inclusive,

15 Plaintiffs,

16 v.

17 VELOCITY EXPRESS LEASING, INC.
also known as VELOCITY EXPRESS
18 LEASING WEST COAST, INC., a
Delaware Corporation; VELOCITY
19 EXPRESS, INC., a Delaware
Corporation; and DOES 1 through 100,
20 Inclusive,

21 Defendants.

Case No. C08-00773 VRW

**JOINT STIPULATION AND
22 ~~PROPOSED~~ ORDER TO
23 EXTEND DEADLINE TO
24 COMPLETE ENE SESSION**

Judge: Hon. Vaughn R. Walker

Dept.: 6

Hearing: N/A

Date: N/A

Time: N/A

Complaint Filed: Nov. 6, 2007

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14 PHILIP JONES and KIM KEO, individually and on behalf of all others similarly
situated and the California general public

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1 SUBJECT TO COURT APPROVAL, the parties to the above-referenced
2 action, by and through their undersigned attorneys, hereby stipulate and
3 respectfully request that the deadline to complete early neutral evaluation in this
4 matter be continued by a period of twenty-one (21) days from the current deadline
5 of July 21, 2008. The parties contend that good cause exists for an extension of
6 time for the following reason:

7 1. Pursuant to ADR Local Rule 5-7, the parties participated in a
8 scheduling call with neutral evaluator Martin H. Dodd on July 2, 2008. During the
9 call, the parties and evaluator agreed to participate in an ENE session on July 22,
10 2008 (one day after the end of the 90 day period established by ADR Local Rule 5-
11 4).

12 2. On June 20, 2008, Stephen Glick, one of the lead trial attorneys for
13 Plaintiffs, underwent surgery. Due to complications, his recovery time has been
14 slowed, thereby delaying his return to work. As a result of this delay, Mr. Glick is
15 unable to attend an ENE session during the week of July 21 (including the
16 currently scheduled July 22 session).

17 3. As lead counsel, Mr. Glick desires and intends to actively participate
18 in the ENE process, including attending the in-person ENE session. Plaintiffs
19 hereby represent that Mr. Glick's participation in the ENE process is important to
20 the proper representation of Plaintiffs and their claims.

21 4. In addition, as the Court is well aware, the ADR Handbook requires the
22 attendance of the lead trial attorney for each party.

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5. To accommodate Mr. Glick's condition, Defendant willingly enters into this Stipulation. However, Defendant hereby reserves the right to later move the Court to stay the ENE process altogether pending resolution of its recently filed Motion to Coordinate or Consolidate pre-trial proceedings. Defendant reserves this right based on its view that if this case were to be coordinated or consolidated, engaging in the ENE process on this case alone—without consideration of the other actions—would be unproductive. For similar reasons, Defendant is hesitant to proceed with the ENE process prior to a determination on its motion to coordinate/consolidate. Consequently, if the motion is not decided in time to complete the ENE process within the extended time, Defendant expects that it will seek an additional stipulation or, if unsuccessful, to file a motion under ADR Local Rule 5.5 to extend the deadline to complete the ENE session indefinitely, pending the outcome of Defendant's Motion to Coordinate or Consolidate.

DATED: July 14, 2008

LITTLER MENDELSON

By 

Robert G. Hulteng
Damon M. Ott

Attorneys for Defendants
VELOCITY EXPRESS LEASING, INC.
and VELOCITY EXPRESS, INC.

DATED: July 14, 2008

LAW OFFICES OF STEPHEN GLICK

DANIELS, FINE, ISRAEL, SCHONBUCH
& LEOVITS LLP

LAW OFFICES OF IAN HERZOG

By 

Stephen Glick
Scott A. Brooks

Attorneys for Plaintiffs
PHILIP JONES and KIM KEO individually
and on behalf of all others similarly situated
and the California general public

~~PROPOSED~~ ORDER

Based on the foregoing Stipulation, and good cause having been shown,

IT IS HEREBY ORDERED that the time period for completion of the ENE process in this case shall be continued for a period twenty-one (21) days from the current deadline of July 21, 2008. This order shall not preclude either party from seeking by stipulation or noticed motion an additional extension of time to complete the ENE session.

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Dated: July 16, 2008

